

**KAUA'I PLANNING COMMISSION
REGULAR MEETING
August 25, 2015**

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Anderson at 9:05 a.m., at the Lihu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Chair Angela Anderson
Vice Chair Sean Mahoney
Mr. Louis Abrams
Mr. Wayne Katayama
Mr. Kimo Keawe

Absent and Excused:
Ms. Amy Mendonca

The following staff members were present: Planning Department – Michael Dahilig, Leslie Takasaki, Kaaina Hull, Dale Cua, Jody Galinato, Marisa Valenciano; Deputy County Attorney Jodi Higuchi-Sayegusa, Office of Boards and Commissions – Administrator Jay Furfaro, Commission Support Clerk Darcie Agaran

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Anderson called the meeting to order at 9:05 a.m.

ROLL CALL

Planning Director Michael Dahilig: Madam Chair, you have five (5) members present.

Chair Anderson: Thank you.

APPROVAL OF THE AGENDA

Mr. Dahilig: Next item on the agenda, Madam Chair, is Item C, Approval of the Agenda. The Department would recommend approving the agenda as-is. Should Agency Hearings be closed under Item F.2., that we move action on Item F.2.e. to the beginning of the agenda, as well as move Item F.2.a. to the end of the New Business on the agenda.

Chair Anderson: Do I have a motion to approve the agenda as amended?

Mr. Mahoney: Madam Chair, move to approve as amended.

Mr. Keawe: Second.

Chair Anderson: All those in favor? (Unanimous voice vote) Any opposed? None. Motion carries 5:0.

MINUTES of the meeting(s) of the Planning Commission

Meeting of July 28, 2015

Mr. Dahilig: Thank you, Madam Chair. We are now on Item D, Minutes of the Meeting of the Planning Commission. Meeting minutes for July 28, 2015 are before the Commission for its approval.

Mr. Abrams: Move to approve the minutes.

Mr. Mahoney: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Dahilig: Thank you, Madam Chair. We are now on Item E, Receipt of Items for the Record. We do have a supplement regarding additional testimony and information. With it is an attached packet in a memorandum from the Department to the Commission dated August 25th, as well as an email from Mr. Nakamura circulated from Maria and Robert LaMadrid Jr.

Chair Anderson: Do I have a motion to receive the items for the record?

Mr. Mahoney: Move to receive the items for the record, Madam Chair.

Mr. Keawe: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

HEARINGS AND PUBLIC COMMENT

Continued Agency Hearing

Class IV Zoning Permit Z-IV-2015-27, Use Permit U-2015-26 and Special Permit SP-2015-7 to allow conversion of an existing residence into a homestay operation on a parcel located along the makai side of Kalihiwai Road in Kīlauea, situated approx. ¼-mile north of its intersection with Kūhiō Highway, further identified as 2828 P Kalihiwai Road, Tax Map Key 5-2-010: 031, CPR Unit 2, and affecting an area approx. 3.167 acres of a larger parcel = Steven V. Ruddell/Marlyn W. Ruddell, Trust.

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.1.a. This is Class IV Zoning Permit Z-IV-2015-27, Use Permit U-2015-26, and Special Permit SP-2015-7. This is to allow conversion of an existing residence into a homestay operation on a parcel located along the makai side of Kalihiwai Road in Kīlauea, situated approximately ¼-mile south (sic) of its intersection with Kūhiō Highway, further identified as 2828 P Kalihiwai Road, Tax Map Key 5-2-010 parcel 31, CPR Unit 2, and affecting an area approximately 3.167 acres of a larger parcel. The applicants are Steven V. Ruddell and Marlyn W. Ruddell Trust. The Director's Report was received on 06/09/15 and the hearing was continued on 06/23/15.

Madam Chair, before we actually request for the Commission to open the Continued Agency Hearing, I'd like to ask the Deputy Director if he could give a short procedural history concerning this particular Continued Agency Hearing just for the Commission's background before we open the Agency Hearing.

Deputy Director Kaaina Hull: Good morning, Chair and members of the Commission. Concerning the Ruddell application, the Ruddell application was part of that wave of homestay operations that came before this Planning Commission with some being recommended approval and some being recommended denial from the Department. Ultimately what happened with the denial recommendations at that time, they were all moved over to Contested Case Hearing after somewhat of a lengthy discussion with their attorney. That same attorney is also representing the Ruddell's in the application. The Department would also recommend that this go to Contested Case Hearing as well.

Mr. Dahilig: Madam Chair, are there any questions for the Deputy Director concerning the procedural history? We'll make the formalities after the Agency Hearing.

Chair Anderson: Are there any questions for the Planner (sic)?

Has there been a formal request for a Contested Case?

Mr. Hull: For this application, no.

Mr. Dahilig: We will be making that orally.

Chair Anderson: Thank you.

Next would be to continue the Agency Hearing on this matter. Is there anyone in the public that would like to give testimony on this agenda item?

Mr. Dahilig: Madam Chair, I do not have anybody signed up to testify at this time.

Madam Chair, given the lack of additional testimony, the Department would recommend closing the Agency Hearing on this application.

Chair Anderson: Do I have a motion to close the Agency Hearing?

Mr. Keawe: So moved.

Mr. Mahoney: Second.

Chair Anderson: All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

New Agency Hearing

Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2015-40 and Variance Permit V-2015-6 to allow installation and height variance for a 53 feet high stealth telecommunications structure and associated equipment on a parcel located in Līhu'e, situated at the Tip Top Motel/Café and Bakery site, further identified as 3173 Akahi Street, Tax Map Key 3-6-006:073, and affecting a parcel approx. 45,000 sq. ft. in size = Verizon Wireless.

Mr. Dahilig: Thank you, Madam Chair. We are now on to New Agency Hearings. This first one is for F.2.a., Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2015-40, and Variance Permit V-2015-6 to allow installation and height variance for a 53 feet high stealth telecommunications structure and associated equipment on a parcel located in Līhu'e, situated at the Tip Top Motel/Café and Bakery site, further identified as 3173 Akahi Street, Tax Map Key 3-6-006 parcel 73, and affecting a parcel approximately 45,000 square feet in size. The applicant is Verizon Wireless, Madam Chair. There is a Director's Report that was received by this Commission on 08/11/15.

The Department would recommend opening the Agency Hearing at this time.

Chair Anderson: Is there anyone in the public that would like to give testimony on this agenda item?

Mr. Dahilig: Madam Chair, we do not have anybody signed up to testify. Given the lack of additional testimony, the Department would recommend closing the Agency Hearing.

Mr. Mahoney: Move to close the Agency Hearing, Madam Chair.

Mr. Abrams: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Special Management Area Use Permit SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, Use Permit U-2015-41 to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the makai side of 'Aliomanu Road in Anahola, situated approx. ¼ mile makai of its intersection with Kūhiō Highway, further identified as 4760 'Aliomanu Road, Tax Map Key 4-8-013:007, and containing a total area of 11,481 sq. ft. =
Karen Hillstrom.

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.2.b., Special Management Area Use Permit SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, and Use Permit U-2015-41. This is to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the makai side of 'Aliomanu Road in Anahola, situated approximately ¼ mile makai of its intersection with Kūhiō Highway, further identified as 4760 'Aliomanu Road, Tax Map Key 4-8-013 parcel 7, and containing a total area of 11,481 square feet. The applicant is Karen Hillstrom, Madam Chair. There is a Director's Report that was received by this Commission on 08/11/15.

We would recommend opening the Agency Hearing at this time.

Chair Anderson: Is there anyone in the public that would like to give testimony on this agenda item?

Mr. Dahilig: Madam Chair, I do not have anybody signed up to testify. Given the lack of testimony, the Department would recommend closing the Agency Hearing at this time.

Mr. Keawe: So moved.

Mr. Abrams: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Class IV Zoning Permit Z-IV-2015-43, Use Permit U-2015-42 and Special Permit SP-2015-15 to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the mauka side of Kamalu Road within the Sleeping Giant Half Acres Subdivision in Wailua Homesteads, situated at the terminus of Uilani Place, further identified as 5900 Uilani Place, Tax Map Key 4-4-005:069, and containing a total area of 20,370 sq. ft. =
Steven R. Bauman/Tracy L. Bauman Trusts.

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.2.c., Class IV Zoning Permit Z-IV-2015-43, Use Permit U-2015-42, and Special Permit SP-2015-15 to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the mauka side of Kamalu Road within the Sleeping Giant Half Acres Subdivision in Wailua Homesteads, situated at the terminus of Uilani Place, further identified as 5900 Uilani Place, Tax Map Key 4-4-005 parcel 69, and containing a total area of 20,370 square feet. The applicant is Steven R. Bauman and Tracy L. Bauman Trusts. The Director's Report was received, Madam Chair, on 08/11/15.

The Department would recommend opening the Agency Hearing at this time.

Chair Anderson: Is there anyone in the public that would like to give testimony on this agenda item?

Mr. Dahilig: Madam Chair, I do not have anybody signed up to testify on this item, and given the lack of testimony, the Department would recommend closing the Agency Hearing.

Mr. Mahoney: Madam Chair, move to close the hearing.

Mr. Keawe: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Class IV Zoning Permit Z-IV-2015-44 and Use Permit U-2015-43 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the Makai side of Kolo Road in Kīlauea, situated approx. 500 ft. north of the Kolo Road/Hookui Road intersection, further identified as 4380 Hookui Road, Tax Map Key 5-2-011: 030, and containing a total area of 0.35 acres = Beryl Franklin McClerren, Jr./John Joseph Hunt, Jr.
[APPLICATION WITHDRAWN BY APPLICANT, accepted by Commission 8/11/15.]

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.2.d., Class IV Zoning Permit Z-IV-2015-44 and Use Permit U-2015-43 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the makai side of Kolo Road in Kīlauea, situated approximately 500 feet north of the Kolo Road/Hookui Road intersection, further identified as 4380 Hookui Road, Tax Map Key 5-2-011 parcel 30, and containing a total area of 0.35 acres. This is the Beryl Franklin McClerren, Jr. and John Joseph Hunt, Jr. application. This application has been withdrawn by the Applicant, Madam Chair.

We ask that the Commission open the Agency Hearing at this time to receive for HRS 92 purposes, but then also receive the communication that this has been a withdrawn application.

Chair Anderson: We'll open the Agency Hearing. Does anyone in the public wish to give testimony on this agenda item?

Mr. Dahilig: Given the lack of testimony, Madam Chair, we request that the Commission receive for the record the withdrawal of this application.

Mr. Abrams: Move to receive.

Mr. Mahoney: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Class IV Zoning Permit Z-IV-2015-45 and Use Permit U-2015-44 to allow construction of a new administration building on a parcel located along the mauka side of Ahukini Road in Līhu'e, situated at the Līhu'e Heliport facility and approx. ¼ mile east of the Kapule Highway/Ahukini Road intersection, further identified as Tax Map Key 3-5-001:148, and affecting a portion of a larger parcel containing 3.67 acres = Island Helicopters Kaua'i, Inc.

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.2.e., Class IV Zoning Permit Z-IV-2015-45 and Use Permit U-2015-44 to allow the construction of a new administration building on a parcel located along the mauka side of Ahukini Road in Līhu'e, situated at the Līhu'e Heliport facility and approximately ¼ mile east of the Kapule Highway/Ahukini Road intersection, further identified as Tax Map Key 3-5-001 parcel 148, and affecting a portion of a larger parcel containing 3.67 acres. The applicant is Island Helicopters Kaua'i, Inc. The Director's Report was received on 08/11/15, Madam Chair.

The Department would recommend opening the Agency Hearing at this time.

Chair Anderson: Is there anyone in the public that would like to give testimony on this agenda item?

Mr. Dahilig: Madam Chair, given the lack of signed up testimony, as well as the lack of voluntary testimony, the Department would recommend closing the Agency Hearing at this time.

Mr. Mahoney: Madam Chair, move to close the hearing.

Mr. Abrams: Second.

Chair Anderson: Discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Class IV Zoning Permit Z-IV-2015-46, Use Permit U-2015-45 and Special Permit SP-2015-16 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Ōma'o Road within the Puu Pinao Subdivision in Ōma'o, situated approx. 150 ft. mauka of the Upa Road/Ōma'o Road intersection, further identified as 4175 Ōma'o Road, Tax Map Key 2-7-008:043, and containing a total area of 15,906 sq. ft. = Sharon R. Boulay Trust.

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.2.f. This is Class IV Zoning Permit Z-IV-2015-46, Use Permit U-2015-45, and Special Permit SP-2015-16 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Ōma'o Road within the Puu Pinao Subdivision in Ōma'o, situated approximately 150 feet mauka of the Upa Road/Ōma'o Road intersection, further identified as 4175 Ōma'o Road, Tax Map Key 2-7-008 parcel 43, and containing a total area of 15,906 square feet. The applicant is the Sharon R. Boulay Trust. The Director's Report was received on this on 08/11/15.

Madam Chair, the Department would recommend opening the Agency Hearing at this time.

Chair Anderson: Is there anyone in the public that would like to give testimony on this agenda item?

Mr. Dahilig: Madam Chair, I do not have anybody signed up to testify on this particular item. Given the lack of voluntary testimony, the Department would recommend closing the Agency Hearing at this time.

Mr. Mahoney: Madam Chair, move to close the hearing.

Mr. Keawe: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Continued Public Hearing

A-2015-1: Request for State Land Use District Boundary Amendment from Agricultural District to Rural District.

ZA-2015-6: Request for County Zoning Amendment from Agriculture District (A) to Residential District (R-1).

Location: Kalāheo, Kaua'i. Located along the western side of Pu'u Road, approx. a quarter (1/4) mile west of the Pu'u Road/Papalina Road intersection and immediately adjacent to property identified as 2205 Pu'u Road, and containing a total area of 3.26 acres. Tax Map Key (4) 2-3-004: 006 = Gregory R. Kingsley, et al.

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.3.a. This is the Continued Public Hearing for A-2015-1, request for State Land Use District Boundary Amendment from Agricultural to Rural District; and ZA-2015-6, request for County Zoning Amendment from Agriculture District (A) to Residential District (R-1). This is in Kalāheo, Kaua'i. Located along the western side of Pu'u Road, approximately ¼ mile west of the Pu'u Road/Papalina Road intersection and immediately adjacent to the property identified as 2205 Pu'u Road, and containing a total area of 3.26 acres, Tax Map Key (4) 2-3-004 parcel 6. Gregory Kingsley, et al are the applicants.

Madam Chair, the Department would recommend opening the Public Hearing at this time, but making a motion after receiving public testimony, per the request of the Applicant, to defer the matter to the September 22, 2015 meeting.

Chair Anderson: Is there anyone in the public that would like to give testimony on this agenda item?

Mr. Dahilig: Again, given the lack of testimony, the Department also does not have any objections to a motion by the Commission to defer the matter to the September 22, 2015 meeting.

Mr. Abrams: Move to defer this to the meeting of September 22, 2015.

Mr. Mahoney: Second.

Chair Anderson: Any discussion? (None)

And just to make clear that we are deferring, but the Public Hearing will remain open.

Mr. Dahilig: Yes.

Chair Anderson: Okay. All those in favor? (Unanimous voice vote) Any opposed? (None)
Motion carries 5:0.

New Public Hearing (NONE)

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.4., New Public Hearing. We have none this morning.

CONSENT CALENDAR

Status Reports

Director's Report(s) for Project(s) Scheduled for Agency Hearing, September 8, 2015.
(NONE)

Mr. Dahilig: Item G, under the Consent Calendar. We have no items under the Consent Calendar this morning.

EXECUTIVE SESSION (NONE)

GENERAL BUSINESS MATTERS (NONE)

COMMUNICATION (For Action) (NONE)

COMMITTEE REPORTS (NONE)

Mr. Dahilig: As well as, no items under H, I, J, and K.

UNFINISHED BUSINESS (For Action)

Class IV Zoning Permit Z-IV-2015-27, Use Permit U-2015-26 and Special Permit SP-2015-7 to allow conversion of an existing residence into a homestay operation on a parcel located along the makai side of Kalihiwai Road in Kīlauea, situated approx. ¼-mile north of its intersection with Kūhiō Highway, further identified as 2828 P Kalihiwai Road, Tax Map Key 5-2-010: 031, CPR Unit 2, and affecting an area approx. 3.167 acres of a larger parcel = Steven V. Ruddell/Marlyn W. Ruddell, Trust.

Mr. Dahilig: But we do have one (1) item under Item L, Unfinished Business for Action. Going back, again, to Class IV Zoning Permit Z-IV-2015-27, Use Permit U-2015-26, and Special Permit SP-2015-7. Again, this is for the Steven and Marlyn Ruddell Trust application for a homestay.

As previously stated, the Department would orally make a request to the Planning Commission to set this matter for Contested Case Hearing, assign it to the Hearings Officer for its disposition via a Recommended Decision and Order, Findings of Fact, and Conclusions of Law, and return that back to the Planning Commission by the time that hearing is finished. We would also convey the Commission's standard sentiment that contact be made by the Hearings Officer within thirty (30) days of delegation over to both parties to initiate scheduling on the matter. That would be our request that this be, again, sent to the Hearings Officer for disposition.

Chair Anderson: Is the Applicant here? Seeing none. Does the Commission have any other questions for the Planner?

What has been recommended by the Department is to refer this matter over to a Hearings Officer. The next step would be a motion to refer to a Hearings Officer.

Mr. Keawe: Madam Chair, I move to refer the Ruddell case to a Hearings Officer.

Mr. Mahoney: Second.

Chair Anderson: Any discussion? Seeing none. All those in favor? (Unanimous voice vote) Any opposed? (None) Okay, motion carries 5:0.

NEW BUSINESS

Class IV Zoning Permit Z-IV-2015-45 and Use Permit U-2015-44 to allow construction of a new administration building on a parcel located along the mauka side of Ahukini Road in Līhu'e, situated at the Līhu'e Heliport facility and approx. ¼ mile east of the Kapule Highway/Ahukini Road intersection, further identified as Tax Map Key 3-5-001:148, and affecting a portion of a larger parcel containing 3.67 acres = Island Helicopters Kaua'i, Inc.

Mr. Dahilig: Thank you, Madam Chair. Given the adjusted items for New Business, Item F.2.e., Class IV Zoning Permit Z-IV-2015-45 and Use Permit U-2015-44. Again, this is the construction of a new administration building at the Līhu'e Heliport facility. The applicant is Island Helicopters Kaua'i, Inc.

Dale is our Planner, and he'll tee up and present the findings and recommendation on behalf of the Department.

Staff Planner Dale Cua: Good morning, Madam Chair and members of the Commission. Moving on to the Director's Report, the project site is at the Līhu'e Heliport facility. Tax Map Key is 3-5-001 parcel 148.

Mr. Dahilig: Sorry, Dale. Just for the Commissioners' information, it's in the August 11th PDF starting with Page 266 of the PDF.

Mr. Cua continued to read the Findings, Actions Required, Project Description and Use, Additional Findings, and Agency Comments sections of the Director's Report for the record (on file with the Planning Department).

Mr. Cua: At this point, I'll stop at the report just short of the evaluation and recommendation.

Chair Anderson: Thank you. Is the Applicant here? If you could please step forward.

Walton Hong: Good morning, Madam Chair. For the record, my name is Walton Hong, representing the applicant, Island Helicopters Kaua'i, Inc. With me is its President, Curt Lofstedt.

It's kind of an unusual thing because the property, as you know, is zoned General Industrial, but for the fact that there's a special treatment overlay, would not require a Use Permit. However, the special treatment overlay does require that we come in for a Use Permit, and this is just for an Administration/Customer Service building next to its existing helicopter landing pads. There's sufficient room to build a facility and I've been told that the State of Hawai'i was asked to do one (1) of two (2) things; either come in with a general master plan for the entire Līhu'e Airport, thus (inaudible) the necessity of each individual operator when it wants to build something or do something with this area to have to come in and go through this process of getting a Use Permit, or requesting that the County remove the special treatment overlay. Unfortunately, over the years, none of these two (2) options were undertaken; thus, requiring us now to come in for what would normally be something not requiring a Use Permit.

The Administration building is 2,433 square feet, I believe, to accommodate the Applicants' needs. The Applicant did enter into a lease with the Airports Division of the State of the Hawai'i in December of 2014, which requires it to build out a building on the site. We're in the process of trying to do everything we can to expedite this matter. Hopefully with your approval, we can proceed to obtain Building permits and begin construction as soon as possible.

With that, I'll be glad to respond to any questions, which the Commission may have. We note that there are members of other helicopter companies...I don't know whether they want to testify and speak up, but we'll respectfully reserve the opportunity to respond if necessary. Thank you.

Chair Anderson: Does the Commission have any questions for the Applicant or the Planner at this time?

Mr. Keawe: I have just one (1). Walton, what was the purpose of the special district (sic) overlay from your knowledge?

Mr. Hong: I don't know. I really don't know. I suspect it was because the County, when it adopted the CZO, wanted to ensure that there was some continuity, if you would, or conformity for the airport area.

I'm going to hypothesize something. The land is zoned General Industrial. That means I could build, but for the overlay, something that went up with a smokestack or something that would conflict with the airport operations. I'm guessing that's what the purpose was.

Mr. Keawe: Thank you.

Chair Anderson: Any other questions for the Applicant or the Planner at this time?

Planner, if you could please address the preliminary evaluation and recommendation.

Mr. Cua: Sure.

Mr. Cua read the Preliminary Conclusion and Preliminary Recommendation sections of the Director's Report for the record (on file with the Planning Department).

Mr. Cua: And that concludes the conditions of approval.

Chair Anderson: Does the Applicant agree with the conditions as set forth in the report?

Mr. Hong: Yes, Madam Chair, the Applicant does not have any problems with the proposed conditions and respectfully request your favorable consideration to the application.

Chair Anderson: Are there any further questions for the Planner or the Applicant?

Mr. Katayama: The District Environmental Health Officer had some comments regarding the disposal of C&D material, as well as fugitive dust. Has that been addressed at this time?

Mr. Hong: I haven't seen those comments, but we will comply with whatever the Department of Health requires. If it's a requirement, it's a requirement. We have no...I don't want to say choice of not doing it. We will do it.

Mr. Katayama: So at this point, the disposal site has not been identified?

Mr. Hong: I believe within the plans there is an oil and water separator.

Mr. Katayama: This is for the C&D; comment No. 3 from the Chief District Environmental Health Officer.

Mr. Hong: I don't have copies of those comments.

Mr. Cua provided copies of the comments to the Applicant.

Mr. Hong: We will dispose of construction waste as required by the Department of Health; that would probably be trying to recycle as much as possible. If we have to dispose it, it will be disposed as in accordance with whatever applicable laws and ordinances require.

Mr. Katayama: Okay, thank you.

Chair Anderson: Any other questions for the Applicant or the Planner?

How would the Commission like to proceed?

Mr. Abrams: Madam Chair, I recommend approval of Class IV Zoning Permit Z-IV-2015-45 and Use Permit U-2015-44, Island Helicopters Kaua'i, Inc.

Mr. Mahoney: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Mr. Hong: Thank you very much.

Special Management Area Use Permit SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, Use Permit U-2015-41 to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the makai side of 'Aliomanu Road in Anahola, situated approx. ¾ mile makai of its intersection with Kūhiō Highway, further identified as 4760 'Aliomanu Road, Tax Map Key 4-8-013:007, and containing a total area of 11,481 sq. ft. = Karen Hillstrom.

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.2.b., Special Management Area Use Permit SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, and Use Permit U-2015-41. This is to allow conversion of an existing guest house into a bed and breakfast operation. Again, the applicant is Karen Hillstrom.

The Deputy Director will be handling this application. For the Commissioners' information, this is on Page 141 of the August 11th PDF.

Mr. Hull: Good morning again, Chair and members of the Commission. The Department will be reading a condensed version of the Director's Report into the record.

Mr. Hull read a condensed version of the Project Description and Use and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Mr. Hull: That concludes our evaluation. I can hold off on the conclusion and recommendation until after.

Chair Anderson: Are there any questions for the Planner?

Is the Applicant here?

Jeremy Hillstrom: Good morning, Commission Chair. My name is Jeremy Hillstrom. I'm Karen Hillstrom's son, and I'm here to represent her.

Chair Anderson: Do you have anything additional to represent other than what's in the application?

Mr. Hillstrom: No, except that we would like to request some sort of deferral, so we can work on getting things in line before an actual vote is done; if that's possible.

Chair Anderson: One moment. Would the Department be willing to defer this matter?

Mr. Hull: The Department isn't inclined for deferral of this matter, but ultimately it's at the discretion of the Commission.

Chair Anderson: Okay. If you would like to defer the matter, what would be the timeframe? We would also request that you waive any time restraints or time to make the decision. So if you wanted a deferral, we would request waiver of any time conditions.

Mr. Hillstrom: I don't know exactly what that means, but my mom has been a tenant here at this property for 40+ years. She just never went through the process of doing the homeowner's exemption, which with the Real Property Tax Department cannot be effective until October 1st, even though we have the landlord's consent and willingness to do everything necessary for her to get the homeowner's exemption. It won't actually become effective until October 1st, so we would like to come back to your October meeting/hearing, if possible.

Mr. Hull: Mr. Hillstrom, what the Chair is essentially asking is, under Chapter 8 of the Kaua'i County Code, they are required by law to take action on your application within sixty (60) days of them receiving the application. So if they decide to entertain deferral, which you are essentially requesting, would you be willing to waive that timeline? Because if you were unwilling to waive the timeline, that would essentially impose upon them that 60-day window. So if you want to go further than that...

Mr. Hillstrom: Then I'm willing to...

Mr. Hull: Yes, you would have to be willing to...

Mr. Hillstrom: Yes, we are willing to waive the timeline.

Mr. Hull: And as far as clarification on the homeowner's exemption, at least in our discussions with Real Property, they use an October date to establish the homeowner exemption criteria; however, those letters don't officially go out until December. There's been no official opine to that effect, but in discussions with the County Attorney's office, that exemption doesn't really

come into status as having bearing on an application until January 1, 2016. So those are some other time criteria that would be associated with this application.

Mr. Dahilig: Just to add, Madam Chair, we understand that part of the reason for the request for deferral is an attempt to try to cure some of the negative evaluative comments from the Department concerning this application. Our position is, as the Deputy Director has stated, we are hesitant to support such a request for deferral given the fact that from a fairness standpoint, the materials that are submitted at application should be the materials that are evaluative, versus an attempt to try to backfill these things. However, this is something that is outside of our, as well as the Applicant's control with respect to timing to achieve our desire to see homeowner's exemption be on the property. But it's, again, a bit unusual to ask for time in these applications when the application does not have the requisite, per se, elements to attain a positive recommendation from the Department. In layman's terms, we are kind of lukewarm on the request for deferral.

Mr. Keawe: Just a question. So you are saying because it doesn't have all the elements, then it would be improper to act on the application. Would it be prudent then to reapply when all the elements are there?

Mr. Dahilig: Again, we believe that is at the discretion of the Commission. I mean, it's not to say that there are statutory elements to meet a standard of positive recommendation from the Department. At the end of the day, the litmus test is whether or not the Commission feels the application and materials meet muster to grant approval. I guess in our review of the application and the request for the deferral, what somewhat concerns us is that now that our recommendation has been put out there, an attempt to backfill and cure it by having these elements be put in place raises the equity question that you do raise, Commissioner Keawe, concerning whether or not an attempt to cure some of these things after an application has been made is appropriate. But again, it's up to the discretion of this body.

Chair Anderson: Any further questions for the Planner or for the Applicant?

Mr. Abrams: Yes. I'm trying to get my hands around this. Karen has applied, apparently in the documents, for an owner-occupant status when she doesn't actually own the house. That's impossible, right? I mean, that's not going to be granted by the Real Property Tax Department, is it?

Mr. Hull: Homeowner exemption can be granted for a property, I believe, if the property owner has executed a long-term lease of, I want to say, thirty (30) years, but I'm not sure on that. So homeowner exemption status, under the tax code, can be established for someone that doesn't actually own the property, but it ensures that there is somebody actually living on-site, long-term, and will be there; not necessarily in perpetuity, but for a considerable amount of time. Whether or not that actually meets the muster of the recent ordinance that was passed, because the term "homeowner" is actually used in the definition of homestay, that's a question for the County Attorney really. We can submit that up, but it's a curious question and it's something that I think we'll be grappling with.

Mrs. Hillstrom's application came in before the adoption of that ordinance, which is why there is also an application for a guest house in here because the ordinance ultimately prohibits the use of a guest house in homestay operations. So the application came in before and they weren't required to meet the strict definition because there wasn't one. For the Department's recommendation of approval among other things, one (1) of the bare minimums that we are requesting is the demonstration of homeowner exemption. And Mrs. Hillstrom wasn't able to demonstrate that at the time of application. We informed them we would be recommending denial on any application that absent it. So in response to that, they are requesting to be given more time to possibly apply for it, but that's why the strict rule of the law, as far as the new definition, won't necessarily apply to this application.

Mr. Abrams: Does a lease have to be five (5) years or more in order to actually apply for a permit?

Mr. Hull: Yes, or they get the owner's authorization to apply.

Mr. Abrams: Okay. So would this just run with this tenant? I mean because I'm looking at it that the actual owner would be the one who's applying, I guess. So I'm confused if it's the... I guess, if they get around, and I'm not going to say the owner-occupant, but I can't see anything on this lease that... It's a month-to-month tenancy, so it could cease at any period of time down the road. So I'm not convinced that some of this stuff could get together, and would want to ask, first, the County Attorney relative to the question I had.

Deputy County Attorney Jodi Higuchi-Sayegusa: I'm sorry, the first question being whether the timing of the application being in and the application of the Department of homeowner's exemption to reflect homeowner status or permanency.

Mr. Abrams: Because right now, it clearly does not appear to be a lease that is in excess of five (5) years.

Ms. Higuchi-Sayegusa: Right.

Mr. Hull: And as I understand it, and Mr. Hillstrom can clarify this, she has been there for a considerable amount of time. It's just that the way it has been operated has been month-to-month, and so they are in the process...or may have already, I'm not sure, you can ask Mr. Hillstrom if they have executed that 30-year lease. That's why when looking at this application, the Department's recommendation stands on somewhat of our own analysis of what would be prudent. It is not using the definition of "homestays" as they exist now because like I said, they came in before. The County Attorney's office has already opined on Council floor that those applications will not have to meet the new standard adopted under the new ordinance. So our use of a homeowner's exemption in our recommendation is much more of an internal policy discussion of our comfort level as the Department when we are recommending approval or denial. I think subsequent to that, whether or not later applications meet the new definition, that's a whole other question where Jodi is going to have to hunker down with her law books and figure out an answer. To try to make it brief, that is essentially why the actual definition, as it exists now, didn't get applied to this application.

Mr. Abrams: Then that brings me to the application; whether or not it meets the code. Where you have no clear lease in writing submitted with the application, whether or not that should have been submitted or received at that point, or whether it's valid.

Ms. Higuchi-Sayegusa: Right. I think for these and all the other applications that kind of came in prior to the recommended deadline, I think it was the signing of the new law, our advice to Council at the time has been...and to the Department is to treat it in the context of fairness. You know, because there is this interim period where the law is changing and there are applications still coming in prior to the change in law, to kind of approach it in the context of fairness to the applicants. (Inaudible) a time period between the application of the new standards, which is the guest house and also the banning of the guest house and also other requirements that would reflect the owner-occupancy issue.

At this point, the Department has been kind of applying the homeowner tax exemption status as the guidance for their recommendations during this interim period. So I mean, prior to the change in law, the requirements are how the definition reads, which was owner-occupancy, but no further guidance illustrating this. Ultimately, I think for the Commission's sake, kind of weigh things in terms of fairness and how to reflect that owner-occupancy requirement.

Mr. Abrams: So this would be a sublease to someone who rents it as a homestay? Because you have an owner who is leasing out to somebody who's leasing out again. I would certainly think that whatever agreement that they have would allow that to happen, and right now it doesn't either.

Mr. Hillstrom: Can I interject something? From the Property Tax Department, it's a lease of five (5) years to qualify for a homeowner's exemption; not thirty (30) years. We are in the process of getting that submitted, and you have to record it at the Bureau of Conveyances and all of that. The reason that we included this rental agreement in Exhibit B was mainly to show how long my mom has been there; about forty-three (43) years. So effectively, I don't know how much closer a tenant could get to owning a property than living on it for 40+ years. So anyways, that was the reason for submitting this lease agreement.

Mr. Abrams: Thank you.

Chair Anderson: Any other questions for the Planner or the Applicant?

Ms. Higuchi-Sayegusa: I'm sorry. And just to clarify, its owner or lessee, right? Under the definition of "homestay" prior to the signing of the new law.

Mr. Katayama: Can somebody summarize the time constraints that we are on right now? If we do not defer, what is the window on taking action on this application?

Mr. Hull: If you don't defer, and under the timelines established under Chapter 8 of the Kaua'i County Code, the Commission would have to act by September 22nd. Or I should say by October 10th, which the previous meeting to that is September 22nd. Unless you guys defer further at the

willingness of the Applicant to waive the timeline requirements. But under the timeline requirements, you have until the last meeting on September 22nd.

Mr. Dahilig: Just to add, should the Commissioners entertain a deferral, it would likely be until the new year that this application would have to be taken up. Given the...if you're looking for the bird-in-hand determination from the Tax Department when they mail out those exemptions, the likelihood of this would actually have to be deferred all the way out until January.

Mr. Katayama: And I guess, again, for clarity for myself, Commissioner Abrams asked if we took action and this application was denied, what is the prohibition for the Applicant resubmitting?

Mr. Hull: I can say that as far as resubmitting with the guest house, that can't happen. After the new law was passed, guest houses are prohibited from being used within a homestay operation. So that one (1) issue will prevent any application from being accepted and forwarded on to this body.

The second one would be whether or not they could apply for a homestay operation occurring within the primary residence. That depends on whether or not we can... While they might qualify for the homeowner's exemption, given the way that the definition of "homestay" is now specific to homeowner, they may not be able to apply either. But ultimately, we are going to have to work with the County Attorney's office to see whether or not a lessee with a homeowner's exemption will qualify as a homeowner under the definition. A homeowner with the homeowner's exemption does qualify, but a lessee with the homeowner's exemption is a bit of a stickier issue that we are going to have to work with Jodi folks on.

Mr. Keawe: Just a comment. Irregardless, this would be a one-off situation based on the application?

Mr. Hull: Based on the application, yes.

Mr. Dahilig: So in effect, Commissioners, just to break down the policy discussion, if I were to look at this, it really is a question of whether or not you believe it's within your discretion to allow this application to be grandfathered in. I think that really is the discretionary discussion that is before you because if you were to take action by the mandatory deadline, that obviously would not run until the determinations by the Tax Department. But if you do reapply again, as the Deputy Director has outlined, new laws and new standards do come into play here. So it really becomes, again, a discretionary element with whether or not the Commission would allow this to be grandfathered as an application.

Mr. Keawe: Again, back to the point, if we do allow it to be deferred, this will be the last one?

Mr. Dahilig: I think from an inventory standpoint, we...how many more do we have?

Mr. Hull: This and the other two (2) coming before you are the last batch of applications that came in prior to the adoption of the ordinance. The next new applications all came in after the

adoption of the ordinance, and the new law applies to them. Now, you guys are still handling other applications as well, like those right now in Contested Case Hearings that are under the old law, but this is the last batch of new applications.

Mr. Keawe: So the last two (2) that are coming, are those guest houses also?

Mr. Hull: I believe one (1) of them is, yes.

Mr. Abrams: I have another question. You treat the guest house as actually part of the main house, right? It really can't be rented out separately? So I'm not quite sure...how do you handle that?

Mr. Hull: The guest house is viewed as accessory to the primary residential structure and functions pretty much just as an exterior bedroom. So can they be rented out? Yes. There were other applications that this body have entertained and approved with guest house uses in the homestay operation.

Mr. Abrams: So it would be renting of a room?

Mr. Hull: It would be renting of a room essentially. Where the Department has concerns or where we go out and issue, say, violation notices, it's not so much the rental portion, but it's because they put a kitchen in it, which increases the density.

Mr. Abrams: Okay, thank you.

Chair Anderson: Any other questions?

Mr. Hillstrom: I have a quick question. Director, when you mentioned the grandfathering in, does that effectively mean that we resubmit the application with the understanding that we can go according to the old laws? Is that what you were trying to say?

Mr. Dahilig: Would you like me to answer?

Chair Anderson: Yes, the Director can answer the question.

Mr. Dahilig: Essentially when laws change, we look at when the application comes in. If applications come in before the law changes, we apply the old law. So the effect of your request for a deferral, as we are interpreting it, is to ask that the old laws be applied to your application, versus the new laws.

Mr. Hillstrom: The existing application?

Mr. Dahilig: Exactly.

Mr. Hillstrom: Not resubmitting.

Mr. Dahilig: No. If you resubmit the application, because the new laws are in effect, we have to apply the new law.

Mr. Hillstrom: Thank you. I understand.

Chair Anderson: Does the Commission have a motion?

Mr. Katayama: Can I make a comment? I guess where I am conflicted is the fact that there is historical occupancy by the tenant, and for that, I think that's where the sympathy lies in terms of the deferral. I guess where I'm troubled is that in submitting an application that was not valid on its face to take advantage of a change in statute. I don't know if we want to reward that because all this deferral allows is the curing of an incomplete application. I think that sends a bad message in terms of these kinds of environmental changes, and people do that. I mean, timing is everything in a lot of instances, but I guess the balance that we need to strike here is that what would be the intent of the legislation to cure, in terms of establishing the criteria for homestays, versus a historical use, I guess. The presumption is that the property was in use for homestays prior to formalizing the application permitting process. So I think that's where I'm troubled, in terms of the application. I know there are some real structural issues, in terms of legal agreements, but again, a lot of that is probably more oversight than it is anything else, so I guess that's where I'm sort of imbalanced right now.

Mr. Keawe: I agree. I think the issue is the Applicants lived in the house for over forty (40) years, and don't know anything about the history. Do you know if your mom was aware that she needed to get a permit?

Mr. Hillstrom: No. The stuff in the newspaper is what spurred us to inquire.

Mr. Keawe: And then you also got notice?

Mr. Hillstrom: No.

Mr. Hull: They were not given the notice of violation.

Mr. Keawe: Okay.

Mr. Hull: Many of the applications that you are seeing before you for homestay operations were initiated because they got a notice of violation from the Department. This is not one of them. The Applicant has gone on the record to say they were operating previously, but this is not one that we had issued a cease and desist to.

Mr. Keawe: So she didn't know that...from the official notification that she was doing anything wrong?

Mr. Hull: No.

Mr. Mahoney: Madam Chair, may I say something? I agree with Commissioner Katayama. I think we are all struggling with...it's about trying to correct an incomplete application. I think if the application comes in, it should meet muster and not us trying to ad hoc through all of these corrections. My estimation is its incomplete and I would be voting not to approve.

Ms. Higuchi-Sayegusa: Just to clarify though, I mean, as far as a complete application, it was accepted by the Department. It's more that they didn't...perhaps this body is not satisfied with what they've included in their application to show owner/lessee status, but it's not necessarily an incomplete application. It's more what you folks want to reflect that threshold.

Mr. Hull: If I could interject, too. Essentially because there is an actual...under law...whether or not the application is complete. The Department determined it complete. We also informed the Applicant that given the documentation they submitted, we could not recommend approval. I think that's more what the Commission is weighing essentially, but for official purposes, this was a complete application. It didn't ultimately have the documentation that made the Department comfortable enough to warrant a recommendation of approval. However, in those situations, as we do in much of the pre-consultation meetings, we still inform the applicants their ability to take this to the Planning Commission, they still have that right, and then they come to the Planning Commission to plead the case why, say, the Department is wrong in their assessment and recommendation of the application. Then ultimately, it's at the discretion of this body.

Mr. Mahoney: May I say something? Perhaps "incomplete" was the wrong thing to say, but I didn't think that it passed the muster.

Chair Anderson: I'm going to ask the Commission to hold off on comments now. There appears to be a lot of questions for the Applicant. We have the Applicant's son here representing her; we do not have the actual Applicant. So in terms of getting verifiable information for the record, I think that there is additional information that we may need, and that this may be appropriate to move to Contested Case. I'd like to take a recess now for the Department to consider whether or not to make a recommendation to go forth in that matter, and also discuss with the representative for the Applicant. So at this time, we'll take a ten (10) minute recess.

The Commission recessed at 10:11 a.m.

The Commission reconvened at 10:23 a.m.

Chair Anderson: Call this meeting back to order.

Mr. Dahilig: Madam Chair, given that we are trying to resolve some procedural matters concerning Item F.2.b., the Department would recommend that the matter be tabled for discussion later on in the agenda, and that we move to Item F.2.c. to efficiently make use of the Commission's time.

Chair Anderson: Do I have a motion to table the discussion on the agenda item?

Mr. Keawe: So we are going to table discussion, but still get it on the agenda today?

Mr. Dahilig: Yes.

Mr. Keawe: So moved.

Mr. Abrams: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Class IV Zoning Permit Z-IV-2015-43, Use Permit U-2015-42 and Special Permit SP-2015-15 to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the mauka side of Kamalu Road within the Sleeping Giant Half Acres Subdivision in Wailua Homesteads, situated at the terminus of Uilani Place, further identified as 5900 Uilani Place, Tax Map Key 4-4-005:069, and containing a total area of 20,370 sq. ft. = Steven R. Bauman/Tracy L. Bauman Trusts.

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.2.c., Class IV Zoning Permit Z-IV-2015-43, Use Permit U-2015-42, and Special Permit SP-2015-15. Again, this is for Tax Map Key 4-4-005:069. Steven Bauman and Tracy L. Bauman Trusts are the applicants.

Jody is our Planner, and she can provide the evaluation on behalf of the Department. Just for the Commissioners' information, it's Page 205 of the August 11th PDF.

Staff Planner Jody Galinato: Good morning, Madam Chair and members of the Commission. I'll try to be as brief as I can with this.

Ms. Galinato read the Actions Required, Project Description and Use, Legal Requirements, Additional Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Galinato: There is the Supplemental No. 2, which was the opposition letter, and this morning there was an email that was received from Maria and Robert LaMadrid that you have a copy of and that was in favor. I'll hold off on the preliminary conclusion and recommendation.

Chair Anderson: Thank you. Are there any questions for the Planner at this time?

Is the Applicant here?

Galen Nakamura: Good morning, Madam Chair and Commissioners. Galen Nakamura on behalf of Steve and Tracy Bauman. They express their regrets for not being here. They wanted to come, but they're taking their daughter back to college on the mainland.

I have nothing further to add, but I would like to address any comments or questions that the Commissioners may have. I would also add that the Bauman's have no problems with the conditions as outlined by Jody. Thank you.

Chair Anderson: Okay. Does the Commission have any questions for the Applicants' representative?

If there are no questions, I'll ask the Planner to go ahead with the recommendations and conclusion.

Ms. Galinato: Okay.

Ms. Galinato read the Preliminary Conclusion and Preliminary Recommendation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Galinato: I have fifteen (15) conditions, Madam Chair.

Chair Anderson: No need to read the conditions.

Ms. Galinato: Thank you.

Chair Anderson: Has the Applicant reviewed the Director's Report and have any comments on the conditions? Or are you in agreeance with the conditions as set forth?

Mr. Nakamura: The Applicant has reviewed the report and has no problems with the conditions as expressed.

Chair Anderson: Does the Commission have questions at this time for the Planner or the Applicant?

So action on this item, do we have a motion from the Commission?

Mr. Abrams: Madam Chair, I move to approve Staff's recommendation of Class IV Zoning Permit Z-IV-2015-43, Use Permit U-2015-42, and Special Permit SP-2015-15, Steven and Tracy Bauman.

Mr. Keawe: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Mr. Nakamura: Thank you very much.

Class IV Zoning Permit Z-IV-2015-46, Use Permit U-2015-45 and Special Permit SP-2015-16 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Ōma'o Road within the Puu Pinao Subdivision in Ōma'o, situated approx. 150 ft. mauka of the Upa Road/Ōma'o Road intersection, further identified as 4175 Ōma'o Road, Tax Map Key 2-7-008:043, and containing a total area of 15,906 sq. ft. = Sharon R. Boulay Trust.

Mr. Dahilig: Madam Chair, we've agreed to move to Item F.2.f., Class IV Zoning Permit Z-IV-2015-46, Use Permit U-2015-45, and Special Permit SP-2015-16. Again, this is an application for a guest house in Ōma'o. Applicant is Sharon R. Boulay Trust.

Marisa Valenciano will be presenting the evaluation on behalf of the Department.

Staff Planner Marisa Valenciano: Good morning, Madam Chair and members of the Commission. I just wanted to correct what the Director said. It's actually an existing residence, not a guest house, for the record.

Mr. Dahilig: Sorry. I stand corrected.

Ms. Valenciano: Okay.

Ms. Valenciano read the Actions Required, Project Description and Use, Legal Requirements, Additional Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Valenciano: I'm going to hold off on my recommendations and conclusions.

Chair Anderson: Is the Applicant here? If you can please approach and state your names for the record.

Sharon Boulay: Sharon Boulay.

Jim Bulloch: My name is Jim Bulloch. I'm here helping Ms. Boulay.

Chair Anderson: Do you have any questions? The Department has read its preliminary evaluation. If you would like to have any additional comments or add regarding your application, Ms. Boulay.

Mr. Bulloch: We have been in touch with the Health Department and they have already approved the cesspool situation and the food situation, which won't be served, so we have letters from them already.

Chair Anderson: Has such letters been submitted to the Department?

Mr. Bulloch: Not by us. I think the Health Department would do that directly.

Chair Anderson: Okay. Does the Commission have any questions for the Applicant?

Mr. Katayama: I have a question for the Department. Residential property tax exemptions on a property of this nature where you have several different uses going on, does it apply to the entire property?

Mr. Dahilig: I can't intelligibly answer how the Tax Department actually deciphers this. My knowledge is when you declare every year your usage, you check off one (1) box. So if the property is meant for, let's say vacation rental usage, then that box is checked off, etc. Again, I can't speak to how they do it because they've made a recent transition from highest and best use over to this self-declaration and actual use. Whether or not they further take it, let's say you have one (1) vacation rental on a parcel that is twenty (20) acres in size, where they delineate those things out, I'm not sure what they do from taxation purposes.

Ms. Boulay: That's what they did. They figured out the percentage. My home, the size of my home, when they did it before when they raised my taxes, and the size of my home and the size of the guest home, and how much of the percentage of my home was occupying the property. I think that's the way the tax office works.

Mr. Katayama: So is a long-term rental considered residential use?

Mr. Dahilig: To my knowledge, it's actually a variation of...to answer that question, long-term rentals do qualify for residential use, but if they are under a certain amount, then they can qualify for, I think, homestead. Those are the two (2)...

Mr. Katayama: Amount means time or dollars?

Mr. Dahilig: Dollars that the rental is actually being rented out for. So for instance, I believe it's a HUD determined amount that the tax rate is set at. If you are renting out to a family under that threshold, you can also file and qualify for homestead, versus general residential. And homestead is a lower tax bracket.

Mr. Katayama: Okay, thank you.

Chair Anderson: Other questions for the Department or for the Applicant?

Mr. Keawe: I have a question for Commissioner Abrams. We received a letter from one (1) of your neighbors, talking about restrictive subdivision covenants. I assume those would be subordinate to County law and State law. The phrase used was "the covenant for subdivision which prohibits any commercial activity."

Mr. Abrams: I will defer to our County Attorney.

Ms. Higuchi-Sayegusa: Any private covenants that's between the landowner and whatever association that they (inaudible).

Mr. Keawe: So the enforcement of restrictive covenants is up to the rest of the landowners?

Ms. Higuchi-Sayegusa: Yes. It's something separate as far as discussion with this body and the permit that they seek.

Mr. Keawe: Right.

Mr. Bulloch: I have a comment on that. Ms. Boulay's home was built in 1953, and the Puu Pinao Subdivision developed by the Taylor's didn't happen until the mid '70's, so she's not part of that association; if you want to think of it that way. Her land isn't part of the development that Peter Taylor did.

Mr. Keawe: So she's not part of this Pinao Subdivision?

Mr. Bulloch: She's located in the same area, generally, but correct, not part of Puu Pinao.

Mr. Keawe: She's not part of the...so when you got your deed, it didn't say Pinao Subdivision? Is that right?

Ms. Boulay: I don't believe so. My deed's at home.

Mr. Bulloch: No, they have a copy of the deed in the application.

Ms. Higuchi-Sayegusa: I think that could be considered in your analysis on the compatibility question, but if there are any contractual agreements between, you know, that's something separate.

Chair Anderson: Are there any other questions?

I had a question. You mentioned that you've...because we'll be hearing about the conditions in a short period of time, but you addressed that the Department of Health has approved the existing septic system. Can you give more information on that?

Mr. Bulloch: Ms. Boulay was required to have a Licensed Plumber recertify the 2nd cesspool, and she did so. There is now a cesspool health commission card, I don't know exactly the terminology, in place for both cesspools on the property, so that is what the requirement was.

Chair Anderson: And for the Planner, do you have any information from the Department of Health regarding this new information that the Applicant is stating?

Ms. Valenciano: No, the Department has not received any updated information, other than the original agency comments received in July.

Chair Anderson: Alright. Are there any other questions?

Mr. Abrams: So if this permit is approved, that would end up being something that would have to be cleared with the Department of Health? That they would provide that letter?

Ms. Valenciano: Correct. It's built into the conditions that prior to operation, the Applicant would have to resolve all issues with the Department of Health.

Mr. Abrams: Okay, thank you.

Chair Anderson: Okay, if I could have the Planner please read your conclusion and final recommendation.

Ms. Valenciano read the Preliminary Conclusion and Preliminary Recommendation sections of the Director's Report for the record (on file with the Planning Department).

Ms. Valenciano: The Department recommended approval with sixteen (16) conditions, including the DOH condition. Would you like me to read the conditions?

Chair Anderson: It's not necessary. We have read the conditions.

Ms. Valenciano: Okay.

Chair Anderson: As for the Applicant, have you reviewed the Director's Report and the conditions held therein? And are you in agreement with the conditions as set forth?

Ms. Boulay: Yes, I am.

Chair Anderson: Okay.

Mr. Keawe: Madam Chair, I move to approve Class IV Zoning Permit Z-IV-2015-46, Use Permit U-2015-45, and Special Permit SP-2015-16 to allow conversion of an existing residence into a bed and breakfast, with the recommended conditions.

Mr. Abrams: Second.

Chair Anderson: Discussion?

I would like to make a comment on the existing cesspool. This is a matter that we've discussed in other applications that have gone forward, and the current best practice is to have a septic system. If the guest house was built after 2005, that would be a requirement of the law. Just in terms of the...in consideration of the groundwater and the water quality of the streams here in Hawai'i, that's something that I'm going to bring up consistently. I don't believe there should be any Special Permits granted on properties that have cesspools. I believe they do need to update to a septic system. So I'll be voting in the negative on this.

So with that, I believe we have four (4) in approval and one (1) to deny, so motion is approved. Thank you.

Mr. Abrams: We didn't vote yet. (Laughter in background)

Chair Anderson: Sorry, I got ahead of myself. Apologies. So all those in favor? (4 ayes) Any opposed? (1 nay-Anderson) Motion carries 4:1.

Special Management Area Use Permit SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, Use Permit U-2015-41 to allow conversion of an existing guest house into a bed and

breakfast operation on a parcel located along the makai side of 'Aliomanu Road in Anahola, situated approx. ¾ mile makai of its intersection with Kūhiō Highway, further identified as 4760 'Aliomanu Road, Tax Map Key 4-8-013:007, and containing a total area of 11,481 sq. ft. = Karen Hillstrom.

Mr. Dahilig: Thank you, Madam Chair. The Department would recommend taking from the table Item F.2.b, and would recommend the Commission make a motion to take Item F.2.b. from the table.

Again, this is the Hillstrom matter.

Mr. Hull: Hello again, Commissioners. During the recess, it was brought to the Department's attention that, in fact, there was no authorization letter from Ms. Hillstrom for her son to represent her. We anticipated Ms. Hillstrom attending the public hearing. During that time, we've requested that Mr. Hillstrom get verification from her and since that time, she has digitally emailed the Department an authorization for Mr. Hillstrom to consent to a deferral, which given some of the questions that are arising, the Department would recommend that this item be deferred to the September 8th Planning Commission meeting.

Chair Anderson: Do we have any questions from the Commission?

Mr. Keawe: How did we come up with September 8th?

Mr. Hull: It's the next meeting available. (Laughter in background) That's the Department's recommendation. Of course the Applicant had requested, from this body, additional time to allow for that communication from Real Property to come through. The Department is only recommending this particular date because there are some issues of clarity, as far as the overall operation, and perhaps having Ms. Hillstrom being able to testify before this body to answer some questions to just lend clarity and insight into the overall proposed operations. So that's why the Department is recommending the next available date.

Mr. Keawe: And that date is still within the...what was it? October? October 10th?

Mr. Hull: It still meets the sixty (60) days, correct.

Chair Anderson: Okay. Do we have a motion?

Mr. Abrams: Move to defer.

Mr. Mahoney: Second.

Mr. Abrams: Until the next meeting. Excuse me.

Mr. Mahoney: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0. Thank you.

Mr. Hillstrom: Thank you.

Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2015-40 and Variance Permit V-2015-6 to allow installation and height variance for a 53 feet high stealth telecommunications structure and associated equipment on a parcel located in Lihū'e, situated at the Tip Top Motel/Café and Bakery site, further identified as 3173 Akahi Street, Tax Map Key 3-6-006:073, and affecting a parcel approx. 45,000 sq. ft. in size = Verizon Wireless.

Mr. Dahilig: Thank you, Madam Chair. We are now on Item F.2.a. This is Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2015-40, and Variance Permit V-2015-6. This is for the Verizon Wireless application at Tip Top Motel/Café and Bakery site.

Deputy Director Hull will be here to talk about the clock tower.

Mr. Hull: Good morning, Chair and members of the Commission. I'll read a condensed version of the Director's Report onto the record at the Chair's discretion.

Chair Anderson: Okay.

Mr. Hull read a condensed version of the Project Description and Use and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Mr. Hull: I can hold off on the conclusion and recommendation until after.

Chair Anderson: Are there any questions for the Planner?

Mr. Abrams: Yes. I'm not sure whether this would have been routed for comments to the Historic Review Commission?

Mr. Hull: That was actually something that the Department considered. I did actually discuss it offline with the KHPRC Chair, but ultimately it wasn't routed because of the nexus. The Tip Top structure actually isn't fifty (50) years or older and it's not in the inventory list, which is their jurisdictional purview, but it was in consideration for just overall design elements. But ultimately, no, it was not routed. Should this body feel that it may be prudent to route to them, the Department can forward it on to them.

Mr. Abrams: The other thing was, with the Lihū'e Development Plan coming up, was there any kind of discussion relative to these type of situations here? Like maybe they wanted a pineapple or something like that? (Laughter in background)

Mr. Hull: No. In the Līhu'e Community Plan, as well as the Līhu'e Town Core Plan, there's just...well I should say in the Town Core Plan, the only discussion about utility facilities of this nature is that they require a Use Permit.

Mr. Abrams: Thank you.

Chair Anderson: Any other questions?

Is the Applicant here?

Kathy O'Connor-Phelps: Good morning, Madam Chair and members of the Commission. I don't have too much to add. I did want to talk about...

Mr. Keawe: Can you state your name please?

Ms. O'Connor-Phelps: Oh, I'm sorry. For the record, Kathy O'Connor-Phelps. I'm with Eukon Group, representative for Verizon Wireless.

The coverage objective is to obviously improve voice, data, 4G service, E911 in the area, but it's also what we call a capacity site, which is going to help off load a site that we have to the north that's a little past Walmart and then another site to the southeast. As people are eliminating their landlines and there are more and more cellphones, those sites are getting over capacitated and can't handle the call strength anymore.

This was a tough ring. We are up against no trees, so we couldn't really propose a monopine. We wanted to fit into the character of the neighborhood and that's why we worked closely with Planning in coming up with this clock tower design. We're pretty excited about it and think it came out great.

We also have no objections to the conditions of approval. If you have any questions, I'd be happy to answer them.

Mr. Keawe: I do. So give me a sense of how you came up with the clock tower? What was the impetus behind that?

Ms. O'Connor-Phelps: It was actually Staff's idea. We had come in with just that structure, and as an architectural element, I guess you'd call it, and they were right. I mean, it looked like a big, tall structure and had no character to it, so we decided to add the clock to it.

Mr. Keawe: Mr. Hull? (Laughter in background)

Mr. Hull: If I can clarify, as we were kind of discussing with the other applicants what's kind of become common standard operating within the pre-consultation with applicants is to essentially be very open with the applicants to inform them where the Department will be siding. The proposal that Verizon came in with was a 60 or 70 foot essentially monolith, which the Department informed them we would more than likely be recommending denial on the

application. It was certainly their ability to come to this body and explain to the Commission why the Department is wrong in recommending denial for that 60 or 70 foot just straight monolith up. So in working with her and understanding that they had a coverage demand that they needed to meet and this was the site for it, we ultimately worked with them to figure out what was the most appropriate. In looking at other municipalities and what have been approved in them, in the urban environment, it really came down to things like church steeples, which there was no particular church in that area, water towers, or the clock towers, which seem to work well to have, what the Department referred to in their Staff report, is having a functional esthetic where it serves dual purposes. That was ultimately how we kind of worked with the Applicant to come up with this potential rendering.

I think there is some concern about the fact that clock towers generally have courtyards or what not associated with them, and this is kind of tucked in the back of a restaurant area. In discussions with some of the...I know the Līhu'e Community Plan, there were discussions about the possibility of...in the future, not now, but later on in the future, that parking area having a courtyard capability or capacity to later on transition into that. As well as the fact that I was even looking at some of the old minutes for the Planning Commission when Tip Top moved to that site. It was referred to as, in the Planning Commission forty-seven (47) years ago, the Times Square of Kaua'i. (Laughter in background) Granted it's not the intersection, but you can imagine things from Sunday brunch to family and friends to Senators and power-dealers and the things that go on at Tip Top, it does have a central location here in Kaua'i. So that transitioning with the possibility or the potential for having the courtyard there, the Department came up with the recommendation.

Mr. Keawe: My thought is, you know, for something that would be so large and being seen by so many people, I'm kind of agreeing with Commissioner Abrams that it should have been vetted a little bit more within the community and those associations that are concerned about what's going to happen in Līhu'e. That's one (1).

Number two (2) is, I cannot imagine with the number of cell towers that are going up across the country that we do not have some fairly unique architects and designers that can come up with something that's more unique than a clock tower. You know, people come to Kaua'i because of the beauty in what we have here. They can see a clock tower at home. I think for something that's going to be so visual within the Līhu'e corridor, there has to be a lot more discussion about potential alternatives for the design. That's basically my two cents.

Chair Anderson: Are there other questions for the Planner or the Applicant?

Mr. Abrams: Yes. I can tell you that we, a while back, Kōloa Community Association was approached by...I don't think it was Verizon, but a Jimmy Store down there where the roundabout was, and they wanted to do a monopine and it did come up to a clock, which was proposed at that point and drew all kinds of discussions. All the way down to the fact that we weren't sure whether everybody would be staring at the clock, trying to read it, not to mention that most of the kids nowadays have digital watches and they don't know how to look at the regular clocks. We didn't want them to get into an accident, so they stopped and said forget it, let's think of something else. Ultimately, I don't think anything happened there.

Mr. Mahoney: How about a sundial? (Laughter in background)

Mr. Abrams: So I'm looking at it from that standpoint where I see a clock, and I guess the first thing that I think of is "Back to the Future" because it looked like the same one, and that's what the kids are going to think about. And then I was thinking well, I don't know, maybe "Go Raiders" or something like that on the side or whatever, but then the guys from Kapa'a wouldn't vote for it, so... (Laughter in background) Or Waimea, so that's out. But something that has...I don't know, it could be character-wise, and I realize that it's a rush, at this point right now, to sort of deal with the issues that are there. Maybe we should, as a collective group, sort of ship this out to some of the historic side of it because one thing that came to mind is that we had a smokestack by the mill. I suppose you could make it round and not have any time on it; it would just look like a smokestack as a possibility. Which got me to looking at...so you can put these things inside/behind?

Ms. O'Connor-Phelps: Yes. All of the antennas and other little accessory things go all inside, and then it'll also be co-locatable so if another carrier came in, they could go below us.

Mr. Abrams: So there is no problem with receiving signal-wise and everything else that goes right through the wood?

Ms. O'Connor-Phelps: Yes. It's fiber material. RF Transparent, they call it, so the signal can shoot through.

Mr. Abrams: And it's fairly resistant to wind?

Ms. O'Connor-Phelps: Yes, we have to meet all building code requirements, and all that sort of thing.

Mr. Abrams: Did the owners at Tip Top express any preference or they just said go ahead and do the...?

Ms. O'Connor-Phelps: They did not like the first design that we sent in.

Mr. Abrams: Okay, so they're talking about it.

Ms. O'Connor-Phelps: They do like the clock tower, but I mean, certainly if you wanted us to, number one (1), get to historical (inaudible).

Mr. Abrams: I'm not really asking for anything at this point right now. I don't think it's mine... It's sort of like...the Planning Department is going to get the feedback once it goes up, and it's either going to be good or bad. I don't know how it's going to be, but I'm sure at this point right now, if they have any other ideas, they ought to think of it in a hurry for you.

Chair Anderson: Other questions?

Mr. Keawe: Yes. I don't think there is any concern or opposition. We understand the need, obviously. Just trying to move with technology and maybe a third person has something in her hand. I think it's more a question of esthetics and fitting in. Because it is so prominent, you are going to get, like Commissioner Abrams says, for or against, but I think it might be a little bit prudent to get a little bit more input; especially from the design standpoint. There has got to be other options. I'm not saying that the clock tower is bad. I just don't think it should be in that location. I think if we were talking about a different city or different town in a different location, it might be perfect. So, I think it's probably something we should consider.

Mr. Abrams: One (1) last thing. I'm looking at it from driving down Kūhiō, where I'm going to want to look left. I really want everybody to look straight ahead because the lanes are so narrow and everything there, so I'm open to any of those type of things. I see coming down the road going to Tip Top that you can see it straight on, and where it's from residential to where it's not, but I am concerned from that one side that it may be a big distraction; but I don't know. I don't know whether that gets routed by somebody who would be from Highways or not. I don't really know whether or not that's something that even gets into their jurisdiction.

Mr. Dahilig: If I could distill the feedback from the Commission that we are getting thus far, and I'm sure there will probably be a couple more comments here, is that the notion of having a cell phone tower at this spot is not offensive, but to mitigate it, the Commission would like to see some type of camouflaging. Now whether or not the current proposed camouflaging or the design of the camouflaging fits the character of the neighborhood is, I think, the open question. That is, at this point, something that needs to either be, per suggestion, more publicly vetted, or redesigned. At this point, it may be prudent, and I'm sure we could get more discussion, it may be prudent to rather than...because this is a Class IV Zoning Permit, and we need an approval deadline at some juncture. Whether it would be prudent to bifurcate the approval process here by approving the master permit, but then leaving, as we do very commonly, leaving the design review for the camouflaging to come back to the Commission for a subsequent approval. That way we condition the approval of the design as a subsequent process to the permit, so that, at least, gives us some legwork and time to, I guess, come up with some of the community truthing and vesting, and truthing and testing that I'm sensing the Commission desires at this point. Just my comments.

Chair Anderson: Thank you for the suggestions, and I would like to address that. I do have a question for the Applicant, and it's somewhat related. Given the fact that there is a timeframe for us to make these decisions, this did come for hearing at the last Planning Commission meeting and I believe the Applicant was not in attendance.

Mr. Hull: No, correction. That was a different telecommunications.

Chair Anderson: Okay, okay. I wanted to make sure.

Mr. Keawe: So Mike, you are recommending that we approve the core permit, but with a condition with regard to the camouflaging of the tower.

Mr. Dahilig: Yes. So that it gives us, at least, some framework to work within the height, as well as the activity, but then in terms of the camouflaging, that we present this, as well as other options through a more public process, so that we can get more of a spectrum of feedback for the Commission. I guess that's the feedback I'm hearing at this point.

Mr. Keawe: I have one (1) more question for the Applicant. How long does it take from permit to finish construction? Let's say we (inaudible) the clock tower or whatever else.

Ms. O'Connor-Phelps: Well, we would have to submit it for Building Permits, but say that's all done, it's about sixty (60) days construction.

Mr. Keawe: Sixty (60) days for completion? The actual physical construction?

Ms. O'Connor-Phelps: Yes.

Mr. Keawe: And wiring it, and hooking it up?

Ms. O'Connor-Phelps: Yes.

Mr. Abrams: Okay, are we all...I mean, I was just spouting out my feelings. Does everybody else have a...

Chair Anderson: Well if we have a motion on the table then we can discuss, and if there needs to be amendments...

Mr. Keawe: So, I make a motion to approve Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2015-40, and Variance Permit V-2015-6 to allow installation of a height variance of 53 feet for stealth communication structure with the provision that the camouflaging of the tower will be subject to further Commission approval.

Mr. Katayama: Second.

Chair Anderson: Discussion?

Mr. Hull: If I could interject.

Chair Anderson: Yes.

Mr. Hull: Generally the term used is "stealth", and there are some issues when the term "camouflage" is used; as far as should it blend into the sky, should it blend into... (Laughter in background) And just because these things do come up during design review.

Mr. Keawe: Alright Mr. Hull, we'll go with "stealth."

Chair Anderson: Okay.

Mr. Keawe: So if we can amend that motion to use the word "stealth" rather than "camouflage".

Chair Anderson: Yes. And I just want to clarify that the motion that the design, with respect to any timeframes, I want to find out if we will be limited to timeframes if they can't come up with a design that's going to be appropriate.

Mr. Dahilig: I think that becomes, at this juncture, an if-then type of question. So if they wish to submit for building permits immediately at that point, that would come in for an immediate design review, but I think it's something we can work out with the Applicant. I'll let the Deputy Director weigh in.

Mr. Hull: I think with some of the concerns and looking at...because of the fact that this was submitted to all the abutting property owners and they didn't have any objection to it, but it appears that some of the Commissioners have some objection to it. It may be prudent then for you folks to request that it also be forwarded over to, say, the KHPRC for their review and input onto it.

Mr. Abrams: Can that be done quick enough?

Mr. Dahilig: We should be able to come up with the meeting first week of September. Maybe if we could take a five (5) minute recess, just so I can align that before you wish to move forward.

Chair Anderson: Okay.

Mr. Abrams: I think that would be great. At that point, have the body that is familiar with it have some look into it.

Chair Anderson: So we'll take a five (5) minute break. We have a motion and a second, and we are in discussion. We will take a break, so that we can work out timeframes.

The Commission recessed at 11:20 a.m.

The Commission reconvened at 11:29 a.m.

Chair Anderson: Call this meeting back to order.

Mr. Dahilig: Madam Chair, I believe the Deputy Director has further information concerning the KHPRC meetings.

Mr. Hull: The Applicant is unavailable to attend the next KHPRC meeting in September, but more than likely...we're actually having some quorum issues, so there may not even be that meeting. So we would recommend that this body refer the application over to KHPRC for the October 8th meeting, and they can review it then.

And if the Commission is still entertaining bifurcating and giving site approval for this area for a telecommunications facility, but then subject to further design review, the Department would still recommend that the Commission act on the recommended conditions of approval so that those

conditions are in place. However, removing Condition Nos. 2, 3, and 4, which specifically reference the clock tower, and then amend Condition No. 1 to state "the telecommunication facility shall be constructed subject to further design review by the Planning Commission." And then continue on with the rest of the wording.

Chair Anderson: So we had a motion on the table with a second. If we want to withdraw the second and the motion to amend with the changes in the conditions as set forth by the Planner.

Mr. Keawe: Yes, I withdraw my motion.

Mr. Katayama: Withdraw my second.

Chair Anderson: Okay. So do we have a motion that will amend the conditions as set forth?

Mr. Keawe: So moved. You need to...

Chair Anderson: I think we need clarification on the motion. It's my understanding the previous motion was to bifurcate the action, so that we would have approval on the permit, as well as the conditions and recommendations from the Staff, but that there would be further design review. The Planner has set forth removing conditions. Is it Condition Nos. 2, 3, and 4?

Mr. Hull: Correct.

Chair Anderson: As well as...

Mr. Hull: Amending Condition No. 1 to state "the telecommunications facility shall be constructed subject to further design review by the Planning Commission." And then continue on, "Any change in the facility..." etc., etc.

Chair Anderson: Okay. So moved?

Mr. Keawe: So moved.

Mr. Katayama: Second.

Chair Anderson: Discussion?

Mr. Katayama: May I make one (1) comment? It seems that the issue of location and construction of cell towers is going to be an ongoing proposition. I think the need for data infrastructure is going to increase rather than decrease as we move forward. As we develop our General Plan Update, we address things like infrastructure; whether they be roads, water, utilities, and we've been very silent on this one (1) utility. What I would like to see is the Department reach out to the various companies who have now come before us individually. The ultimate example of spot zoning is our approval of cell towers. We have, as a Commission and as a Department, would like to manage that as we move forward. Whether it be through a consortium by the companies on infrastructure, you know, just as we have examples of poles

being shared by telephone, power, and cable TV. If we can get a consortium of the different data companies to help us identify prospective sites that could be developed over the next five (5) years, I think it will help all of us as we go through these proceedings and granting the Use Permits or Special Use Permits depending on the siting.

Again, I think timing is good, and I think the megatrend is here. I don't foresee any decrease in that for all the data unloading that has been cited for this project, as well as the three (3) other sites that were approved previously. As we move forward, and again, helping the community and helping this Commission develop the infrastructure to support this growth, I think would be very helpful.

Chair Anderson: Thanks for the comment. Any other discussion?

So we have a motion and a second. All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 5:0.

Mr. Dahilig: Thank you, Madam Chair.

Ms. O'Connor-Phelps: Thank you.

Mr. Dahilig: This concludes the items for New Business this morning on the Commission's agenda.

ANNOUNCEMENTS

Topics for Future Meetings

The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Mo'ikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawaii 96766 on Tuesday, September 8, 2015.

Mr. Dahilig: We have circulated the batting order sheets for future meetings. The next meeting of the Commission will be held in this room on September 8, 2015 at 9:00 a.m.


Again, we anticipate that there will be a lighter permit load discussion for that meeting, rather there will be more time to be discussing items related to a presentation from the Long Range Division on the General Plan and what's been going on in that one, so you can anticipate that at the next meeting.

Chair Anderson: With that, this hearing is adjourned.

ADJOURNMENT

Chair Anderson adjourned the meeting at 11:35 a.m.

Respectfully submitted by:



Darcie Agaran,
Commission Support Clerk

() Approved as circulated (add date of meeting approval)

() Approved as amended. See minutes of _____ meeting.